

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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OPULEN VENTURES, INC., a California
Corporation, d/b/a OPULEN CAPITAL,

Plaintiff,

- against -

AXCESSA, LLC, a New York
Limited Liability Company,

Defendant.

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ROSLYNN R. MAUSKOPF, United States District Judge.

ORDER
12-CV-1776 (RRM) (RER)

By Motion filed June 19, 2012, plaintiff Opulen Ventures, Inc. moved for default judgment against defendant Axxessa, LLC, pursuant to Federal Rule of Civil Procedure 55(b) and Local Rule Civil Rule 55.2. (Doc. No. 6.) By Order entered June 22, 2012, this Court referred that motion to the assigned Magistrate Judge, the Honorable Ramon E. Reyes, for a Report and Recommendation (“R&R”). On January 22, 2013, Judge Reyes issued an R&R recommending that plaintiff’s motion for default judgment be granted. (Doc. No. 9.) Judge Reyes reminded the parties that, pursuant to Rule 72(b), any objections to the R&R were due within fourteen days from service of that report. (R&R at 11.) On January 24 and 25, 2013, plaintiff filed three affidavits of service indicating that Opulen served the R&R on Axxessa in person, by mail, and by fax. (Doc. Nos. 10-12.) No party has filed any objections to the R&R. On February 2, 2013, plaintiff filed a notice of defendant’s failure to object and accordingly requested an entry of judgment. (Doc. No. 13.)

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). Accordingly, plaintiff’s motion for default judgment is GRANTED.

It is hereby ORDERED that default judgment enter in favor of plaintiff as against Axxessa, LLC, as follows: (1) \$500,000.00 for contract damages; (2) \$48,220.48 for prejudgment interest, plus a per diem rate of \$136.99 until the entry of final judgment; (3) \$11,494.85 for attorneys' fees and costs, and (4) post-judgment interest pursuant to 28 U.S.C. § 1961. The Clerk of Court is directed to enter judgment accordingly and close the case.

SO ORDERED.

Dated: Brooklyn, New York
March 6, 2013

Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge